

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
NLP VALLEY CENTER SOLAR; PDS2013-MUP-13-019; PDS2013-ER-13-02-002  
APNs: 188-120-09 & 10

September 9, 2015

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Valley Center Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

***Wetland and Wetland Buffers:***

Even though wetlands and/or wetland buffer areas have been identified on the 66-acre subject property, the wetlands are located outside of the 26-acre Major Use Permit Boundary. The project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands; and c) the project would not result in any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The applicant will be required to show lines of inundation from the 100-year flood for the ultimate watercourse(s) that flow(s) through the property, as well as a flowage easement granted to the County Flood Control District. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes located within the Major Use

Permit Boundary. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:**

The property has been surveyed by a County of San Diego certified archaeologist/historian and it has been determined that the property does not contain any archaeological/historical sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
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NOT APPLICABLE  
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Discussion:

The project Storm Water Management has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
☐

NOT APPLICABLE  
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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is known as the North Light Power (NLP) Valley Center Solar project located on 66 acres comprised of two parcels. The proposed solar facility Major Use Permit would occupy approximately 26 acres of the site comprised of photovoltaic (PV) solar panels, inverter pads and internal access driveways. The project is zoned RR (Rural Residential) and is subject to a one-hour average nighttime sound level limit of 45 dBA (decibel A-weighted) and daytime limit of 50 dBA at the nearest property lines pursuant to the County Noise Ordinance Section 36.404. Primary noise sources

associated with the on-going operations are comprised of the inverter/transformer stations. These mechanical units would be located over 300 feet from the nearest property lines and would generate noise levels of less than 45 dBA. The setback design of the inverter/transformer location is a design feature demonstrating Noise Ordinance compliance. Panel washing was evaluated and would only occur during the daytime hours of 7 a.m. to 10 p.m. Due to noise attenuation by distance, establishing a minimum of 65 feet from the nearest property line, and the process of panel washing moving away from the property lines would result in complying with the County noise requirements.

Temporary construction equipment was evaluated to demonstrate noise ordinance compliance. Grading operations may utilize loaders/backhoes dozers graders trenchers and water trucks. The equipment is anticipated to be spread out over the site. Some equipment could potentially operate at or near the property line while the rest of the equipment may be located more than 600 feet away from the same property line. The acoustical center for the grading operations at approximately 100 feet from the nearest property lines was assessed. Based on a worst case scenario with all equipment operating at the same time in one same location, construction noise levels would generate approximately 74.3 dBA at this setback. Due to spatial separation of the equipment and an eight hour average requirement of 75 dBA, staff does not anticipate temporary construction noise levels to exceed the County noise standards. Additionally, no off-site roadway improvements are proposed as part of this project. Therefore, temporary grading operations are not anticipated to exceed the 75 dBA requirement pursuant to Section 36.409. Impulsive type of heavy equipment is regulated within Section 36.410 (82 dBA limit). Project temporary impulsive sources include a pile driver, mobile crane and pneumatic tools. The primary impulsive noise source is considered the pile driver for a worst-case assessment. The pile driver would need to operate 215 feet from any residential property line. Pile driver operations would be limited to operate 25% of the hourly or daily duration when located within this distance. These pile driving design measures demonstrate compliance with the County Noise Ordinance and would comply with the impulsive 82 dBA requirement. Therefore, incorporation of noise attenuation by distance, establishing setbacks, and limiting operations would ensure that permanent and temporary noise sources would comply with County noise standards.